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August 10, 2005

Director of the U.S. Patent and Trademark Office  
Attn. Refunds  
2051 Jamieson Avenue, Suite 300  
Alexandria, VA 22314Via Facsimile  
571-273-6500Re: Deposit Account No. 501068

Dear Sir/Madam:

We're in receipt of the Monthly Statement of Account dated June 30, 2005. Please note that there are duplicate charges on the statement that are as follows:

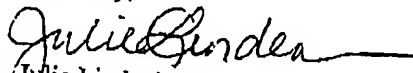
| Date Posted |     |     | Control No. | Description (Serial No.) | Docket No.     | 2220.00  |         |
|-------------|-----|-----|-------------|--------------------------|----------------|----------|---------|
| Mo.         | Day | Yr. |             |                          |                | Fee Code | Charges |
| 6           | 8   | 05  | 29          | 10736866                 | 101.0089-02000 | 1801     | 790.00  |
| 6           | 8   | 05  | 30          | 10736866                 | 101.0089-02000 | 1202     | 1300.00 |
| 6           | 8   | 05  | 31          | 10736866                 | 101.0089-02000 | 1464     | 130.00  |

Our deposit account was charged twice on the June 2005 statement for these fees. A copy of the statement is attached for your reference.

Please refund our account immediately.

Thank you for your time and attention to this matter. Please contact s if you have any questions or require additional information

Sincerely,

  
Julie Lindenlaub  
Administrator
/jcl  
attachment**Best Available Copy**

|   |     |         |                 |               |               |                 |
|---|-----|---------|-----------------|---------------|---------------|-----------------|
| 6/27/05   | 418 | 0425909 | 102.0000/-01000 | 002M          | 70.0000       | 27212.00        |
| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED  |     |         | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |
| PAGE 1/1 * RCVD AT 8/10/2005 7:04:08 PM (Eastern Daylight Time) * SVR:USPTO-EFXXF-5/0 * DNIS:2736500 * CSID:3102862795 * DURATION (mm-ss):00-30 |     |         |                 |               |               |                 |



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MONTHLY STATEMENT  
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MARTIN & FERRARO  
THOMAS H MARTIN  
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HARTVILLE OH 44632-8711

FINA

|             |         |
|-------------|---------|
| Account No. | 501068  |
| Date        | 6-30-05 |
| Page        | 2       |

PLEASE SEND REMITTANCES TO:  
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| DATE POSTED | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO.     | FEB CODE | CHARGES/ CREDITS | BALANCE  |
|-------------|-------------|---|----------------|----------|------------------|----------|
| 6 8 05      | 70          | 6349409                                 | 124.0005-09000 | 8021     | 40.00            | 35162.00 |
| 6 8 05      | 71          | 6188869                                 | 124.0008-00000 | 8021     | 40.00            | 35122.00 |
| 6 8 05      | 72          | 6343380                                 | 124.0008-00000 | 8021     | 40.00            | 35082.00 |
| 6 8 05      | 318         | 10322624                                | 124.0005-00000 | 8021     | 40.00            | 35042.00 |
| 6 8 05      | 319         | 6347215                                 | 124.0005-06000 | 8021     | 40.00            | 35002.00 |
| 6 13 05     | 18          | 10736866                                | 101.0089-02000 | 1464     | 130.00           | 34872.00 |
| 6 13 05     | 19          | 10736866                                | 101.0089-02000 | 1801     | 790.00           | 34082.00 |
| 6 13 05     | 20          | 10736866                                | 101.0089-02000 | 1202     | 1300.00          | 32782.00 |
| 6 14 05     | 29          | 10736866                                | 101.0089-02000 | 1801     | 790.00           | 31992.00 |
| 6 14 05     | 30          | 10736866                                | 101.0089-02000 | 1202     | 1300.00          | 30692.00 |
| 6 14 05     | 31          | 10736866                                | 101.0089-02000 | 1464     | 130.00           | 30562.00 |
| 6 15 05     | 13          | 09947592                                | 108.0007-000   | 1504     | 300.00           | 28862.00 |
| 6 15 05     | 68          | 10310522                                | 101.0063-010   | 1202     | 1000.00          | 27862.00 |
| 6 15 05     | 69          | 10310522                                | 101.0063-010   | 1252     | 450.00           | 27412.00 |
| 6 22 05     | 9           | 10703931                                | 101.0077-01000 | 1801     | 790.00           | 26622.00 |
| 6 22 05     | 10          | 10703931                                | 101.0077-01000 | 1253     | 570.00           | 26052.00 |
| 6 22 05     | 11          | 10703931                                | 101.0077-01000 | 1202     | 350.00           | 25702.00 |
| 6 23 05     | 1           | 10444216                                | 101.0063-02000 | 1202     | 150.00           | 25552.00 |
| 6 23 05     | 11          | 09921851                                | 101.0085-020   | 1806     | 180.00           | 25372.00 |
| 6 23 05     | 15          | 10808852                                | 101.0094-02000 | 1806     | 180.00           | 25192.00 |
| 6 23 05     | 19          | 09921844                                | 101.0084-010   | 1806     | 180.00           | 25012.00 |
| 6 23 05     | 19          | 09947592                                | 108.0007-00000 | 8021     | 40.00            | 24972.00 |
| 6 23 05     | 24          | 09947592                                | 108.0007-00000 | 8021     | 40.00            | 24932.00 |
| 6 23 05     | 67          | 6139551                                 | 102.0012-01000 | 8021     | 40.00            | 24892.00 |
| 6 23 05     | 70          | 6139551                                 | 102.0012-01000 | 8021     | 40.00            | 24852.00 |
| 6 23 05     | 71          | 6139551                                 | 102.0012-01000 | 8021     | 40.00            | 24812.00 |
| 6 23 05     | 75          | 5741253                                 | 102.0001-02704 | 8021     | 80.00            | 24732.00 |
| 6 23 05     | 262         | 10223916                                | 102.0003-06807 | 8021     | 40.00            | 24692.00 |
| 6 23 05     | 263         | 10638023                                | 102.0003-06807 | 8021     | 40.00            | 24652.00 |
| 6 23 05     | 264         | 10638023                                | "              | 8021     | 40.00            | 24612.00 |
| 6 27 05     | 31          | 10746180                                | 101.0166-01000 | 1806     | 180.00           | 24432.00 |
| 6 27 05     | 400         | 07698674                                | 102.0001-01    | 8021     | 40.00            | 24392.00 |
| 6 27 05     | 401         | 5741253                                 | 102.0001-02    | 8021     | 40.00            | 24352.00 |
| 6 27 05     | 402         | 6224595                                 | 102.0001-04    | 8021     | 40.00            | 24312.00 |
| 6 27 05     | 418         | 0425989                                 | 102.0007-01000 | 8021     | 40.00            | 24272.00 |

AN AMOUNT SUFFICIENT TO OPENING BALANCE TOTAL CHARGES TOTAL CREDITS CLOSING BALANCE  
PAGE 1/1 \* RCVD AT 8/10/2005 7:04:41 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-5/0 \* DNIS:2736500 \* CSID:3102862795 \* DURATION (mm:ss):00:42

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PTO/SB/50 (04-05)

Approved for use through 07/31/2006. OMB 0651-0081  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/786,866        |
| Filing Date            | December 18, 2003 |
| First Named Inventor   | Gary K. Michelson |
| Art Unit               | 3732              |
| Examiner Name          | Eduardo Robert    |
| Attorney Docket Number | 101.0089-02000    |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☒ Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☒ Information Disclosure Statement (IDS)
    - ☒ Other: Petition to Withdraw From Issue
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(d) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment or loss, or credit any overpayments, to Deposit Account No. 50-1068. I have enclosed a duplicate copy of this sheet.
 

|  |
|--|
| 06/14/2005 CCHAU1 00000016 501068 10736866   |
| i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) 01 FC:1801 790.00 DA                  |
| ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) 02 FC:1202 1300.00 DA                   |
| iii. <input checked="" type="checkbox"/> Other additional claims fee as indicated in the attached Transmittal Form |

  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                    |                  |              |
|-------------------|--------------------|------------------|--------------|
| Signature         | <i>[Signature]</i> | Date             | June 9, 2005 |
| Name (Print/Type) | Eduardo P. Ferraro | Registration No. | 37,129       |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                    |
|-------------------|--------------------|
| Signature         | <i>[Signature]</i> |
| Name (Print/Type) | Sandra L. Blackmon |
| Date              | June 9, 2005       |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing this form, call 1-800-PTO-5199 and select option 2.

PAGE 5/19 \* RCVD AT 6/9/2005 8:59:12 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:3308772030 \* DURATION (mm:ss):05:28

Adjustment date: 09/28/2005 SDIRETA1  
06/14/2005 CCHAU1 00000016 501068 10736866  
01 FC:1801 790.00 CR  
02 FC:1202 1300.00 CR

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PATENT  
Attorney Docket No. 101.0089-02000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson )  
Serial No.: 10/738,868 )  
Filed: December 16, 2003 )  
For: BONE HEMI-LUMBAR INTERBODY )  
SPINAL FUSION IMPLANT HAVING )  
AN ASYMMETRICAL LEADING )  
END AND METHOD OF )  
INSTALLATION THEREOF )

Confirmation No.: 9083

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Group Art Unit: 3732

JUN - 9 2005

Examiner: Eduardo Robert

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(C)(2)**

Applicant hereby petitions for the withdrawal of this application from issue. The issue fee for this case was paid on March 3, 2005.

The reason for the request for withdrawal from issue is to permit consideration of a Request for Continued Examination (RCE) in compliance with 37 CFR § 1.114.

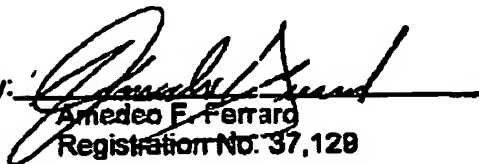
The petition fee in the amount of \$130.00 (37 C.F.R. § 1.17(h)) is submitted herewith. If there are any additional fees due in connection with the filing of this Petition, please charge the fee to our Deposit Account 50-1068.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: June 9, 2005

By:

  
Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

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06/14/2005 CCHAU1 00000016 501068 10736866

03 FC:1464 130.00 DR

Adjustment date: 09/28/2005 SDIRETAL  
06/14/2005 CCHAU1 00000016 501068 10736866  
03 FC:1464 130.00 CR